

1 Q And is that at the court reporter's office?

2 A I believe so, yes, that is correct.

3 Q And is the Columbia, Missouri the town where
4 you live?

5 A Yes.

6 Q Okay. And we are all taking this deposition
7 via Zoom to save on cost and things of that nature. Is
8 everyone in agreement that we can proceed via Zoom? Is
9 there any opposition at this time?

10 MR. BRYAN: Not from me.

11 MR. ARTUS: Particularly from you, Spencer?

12 MR. BRYAN: No.

13 Q (By Mr. Artus) Um, Dr. Daniel, would you
14 provide the court reporter your full legal name and you
15 might need to spell your first name?

16 A AE Daniel, first name is spelled
17 A-n-a-s-s-e-r-i-l.

18 Q And and you are a medical doctor; is that
19 correct?

20 A That is correct.

21 Q I have a copy of your CV, curriculum vitae.
22 Why don't we just get started. I'm kind of not very good
23 at this Zoom stuff but I think I might be able to do some
24 of this stuff. I'm going to try anyway. Bear with me. Do
25 you have a copy of your report in front of you, sir?

1 A Yes, I do.

2 Q The report that I have is dated -- if it is
3 dated -- March 13, 2023. Is that the one you have in front
4 of you?

5 A That is correct.

6 Q And the report itself is actually seven pages
7 long but the whole thing including your CV, list of cases
8 you have testified in, and fee schedule makes a total of 27
9 pages. Does that sound right to you?

10 A That's sounds right.

11 Q For the purposes of this deposition, I don't
12 know how the court reporter is going to do this, I am going
13 to share the screen I think. Can you see this, Doctor?

14 A Yes, I can see that.

15 Q And this appears to be the report I was
16 talking about. If you go to page 8 -- page 7, sorry. That
17 seems to be the end of the report showing it's dated
18 March 13, 2023. Do you agree with that?

19 A That is correct.

20 Q And does this that I'm scrolling through
21 appear to be the same report that you're looking at right
22 now?

23 A That is correct.

24 Q Okay. And I understand that the report you
25 have has your handwriting on it; is that correct?

1 A Yes, I just made some checkmarks. That's all.

2 Q Okay. I would request that the court reporter
3 does get a copy of that as Defendant exhibit in this case.
4 We'll start with six because I think I got five or so to go
5 with. So can the court reporter do that?

6 MR. BRYAN: Yes. She can produce it to us and
7 then we can produce it to you.

8 MR. ARTUS: No, I want it as part of the
9 transcript.

10 MR. BRYAN: Then we object.

11 Q (By Mr. Artus) Where do you have your writing
12 on this report, Doctor?

13 A Actually I have just put checkmarks, three
14 points.

15 Q Where did you put your checkmarks on this
16 report?

17 A On page 6.

18 Q And I'm now on page 6, where did you put the
19 checkmarks?

20 A Okay. That is against second paragraph of
21 Item 7 and second paragraph of Item 8 and the third
22 paragraph of Item 8.

23 Q Okay. Where else do you have checkmarks?

24 A No. I have underlined three or four phrase
25 against the checkmark.

1 Q It's probably better that way.

2 A Okay. I was trained as a psychiatrist in
3 India at the All India Institute of Mental Health,
4 Bangalore and I got my diploma in psychological medicine.
5 Then I immigrated to the United States in 1974 and took my
6 residency in psychiatry at the University of Missouri in
7 St. Louis campus. Later I completed a fellowship in child
8 adolescence and psychiatry. Subsequently I was board
9 certified in adult general psychiatry in 1976. Then I
10 became board certificate in child adolescence psychiatry in
11 1981. In the meanwhile I went to England to get board
12 certified in UK. That is known as membership of the Royal
13 College of Psychiatrist. Subsequently in 1984 I was
14 certified by the American College of Forensic Psychology.
15 Those are my board certifications.

16 Q Are they still current?

17 A Yes, they are current.

18 Q All of your board certifications that are
19 listed on your resume on page 1 of your resume showing on
20 the screen right now is still current; is that correct?

21 A Correct.

22 MR. BRYAN: Andy, you don't have anything
23 showing on the screen at least on mine.

24 MR. ARTUS: Oh, that's right. I forgot.

25 Q (Mr. Artus) Can you see that, Doctor?

1 Q Is there anything you have reviewed since this
2 time that is not on this list?

3 A Yes.

4 Q What are they?

5 A That's the rebuttal report, the plaintiff
6 report that has been forwarded to me, the three reports.

7 Q Okay. So you looked at Dr. Ream's report and
8 Dr. Hough's report and I think there is another expert that
9 Jessica Dark presented for the TASER guy. I can't remember
10 his name.

11 A Correct.

12 Q And so those aren't on this list. In response
13 you did a rebuttal report for Dr. Reames and Dr. Hough; is
14 that correct?

15 A That is correct.

16 Q Did you do any other rebuttal report for any
17 other expert?

18 A No.

19 Q Are you holding yourself out as a TASER
20 expert?

21 A No.

22 Q As a use of force expert?

23 A Use of force expert, no. Even though I have
24 written about use of force in my book.

25 Q Right. But that's not how you're holding

1 yourself out today. You're not going to be able to talk
2 about or not going to give any opinions as to support
3 Mr. Henneman, I think that's right, used excessive force
4 against Mr. Thao, will you?

5 A Well, I have, as you know, I have opined that
6 the officers, including Mr. Henneman, should have used a
7 deescalation techniques to calm Mr. Thao down.

8 Q Do you have any opinion as to whether --

9 A To that extent I have opined about the use of
10 force.

11 Q Okay. But as far as whether or not
12 Mr. Henneman was correct or not in using a taser, you don't
13 have the opinion; is that correct?

14 A I have no opinion about the techniques or the
15 use of TASER. I have an opinion --

16 Q Go ahead?

17 A As I have indicated in my report, deescalation
18 techniques should have been used to calm him down. So that
19 means that the use of stun gun should have been avoided.

20 Q Okay. We'll follow up with that and I'm sure
21 Jessica Dark will too. Let's go back to your report. We
22 talked about you have reviewed the defendant's expert
23 report and then you have done your own rebuttal about Dr.
24 Reames and Dr. Hough. You have testified about that,
25 correct?

1 MR. ARTUS: You can coach him all you want.
2 The video will speak for itself.

3 Q (By Mr. Artus) Did you understand the
4 question, Doctor, or do you need me to repeat it?

5 A I do. The referral to mental health person
6 depends upon the totality of circumstances. So you have to
7 look at what he has been doing during the time when the
8 officers were handling him. So at precisely -- if you ask
9 at that point does he require a mental health evaluation,
10 the answer is maybe, who knows.

11 Q Right. Okay. So was it appropriate for the
12 officer to take him down to the ground when Mr. Thao
13 attempted to run out the door?

14 A I don't know, you know, if that would have
15 been appropriate procedure. My testimony is they should
16 have asked him what is going on with him. He was not --

17 Q So when he was --

18 A He was not threatening anybody.

19 Q Okay. So it's not threatening to run out the
20 door of your prison cell. That would be -- so they should
21 have just let him run out and then kind of done what?

22 MR. BRYAN: Object to form.

23 Q (By Mr. Artus) Tracked him down and then asked
24 him what he was doing?

25 MR. BRYAN: Object to form; argumentative.

1 A I'm not saying they should let him run out.
2 Basically they should have basically intervened and stopped
3 him but not to throw him down to the floor and overpower
4 him. That has set in the motion -- set in motion his,
5 basically his frustration. His difficulty to handle the
6 confinement at the time. So what the officer should have
7 done is to basically, you know, not to throw him on the
8 floor but to basically physically stopped him in his way
9 and then asked him questions and tried to deescalate the
10 condition.

11 Q (By Mr. Artus) And of course the people who
12 are up on the floor is a female nurse and female guard and
13 one male guard. You're saying those three people should
14 have -- should not have tried to put him on the ground,
15 correct?

16 A Putting on the ground was done by the officer
17 who came a few minutes later.

18 Q So did you not see that he was taken to the
19 ground immediately after he rushed out the door?

20 A I think the call for help and other officers
21 came in and they put him down.

22 Q Okay. How should they have deescalated? How
23 do you deescalate someone who is kicking at you and
24 fighting you?

25 A I think he didn't kick at anybody, did he?

1 Q Okay. So how should they deescalate?

2 A Deescalation should be simply asking
3 questions, what bothers you? Why you are attempting to
4 leave the situation? Just tone him down and then he would
5 have -- he was a 20 year old young fellow. He was not
6 threatening anybody.

7 Q So you think that they should have just talked
8 to him and he would have calmed down?

9 A Well, if that didn't work then of course you
10 go to the next step of taking him down or whatever you want
11 to do. The point is immediately he was thrown to the
12 ground.

13 Q Okay. And so any other deescalation
14 techniques that should have been done?

15 A Well, the officer should be -- should have
16 been trained to do the deescalation. That's a technique
17 they use in most of these situations. Essentially meaning
18 that, you know, take the situation a notch down, calm him
19 down. If still he continues to leave or even personally
20 threaten one of the officers, which he didn't, and then
21 should have been -- then you go to the next level of using
22 the force.

23 Q At what point in time did Mr. Thao become
24 suicidal in your opinion?

25 A I can't precisely say at what point but

1 Q Did you say you can or cannot?

2 A I can, c-a-n.

3 Q Okay. But you think they would just be wrong
4 if they thought that?

5 A I don't make any judgment whether it's wrong
6 or right.

7 Q When Mr. Thao was put in cell 126 in your
8 opinion was he suicidal at that point in time?

9 A Most likely.

10 Q And how do you come to that conclusion?

11 A Because he continues to show behavioral
12 changes and he was making statements that asking the
13 officer to kill him and that he was going to kill himself.
14 He was yelling and screaming and making all kinds of noise,
15 making loud statements, and making a statement to the
16 effect that "I am done with you all." Similar statements
17 indicating that he was most likely extremely frustrated and
18 he was finding no way out, so that was the time he became
19 acutely suicidal.

20 Q Did that happen at the moment he was placed in
21 cell 126?

22 A As I said earlier, I cannot precisely say
23 which moment it happened. It happened through the process
24 while he was being taken down and applied stun gun and
25 carried to cell 126 and while he was in the cell.

1 that Mr. Thao was in an acute mental health crisis. I
2 think we have talked about that. What is your basis that
3 he was in an acute mental health crisis?

4 A Okay. Basically he, as I said, he was trying
5 to escape the jail. He was showing behavioral changes
6 while in the jail. As I mentioned, somebody is interfering
7 into our conversation here.

8 Q You mean on the Zoom?

9 COURT REPORTER: There is some feedback we are
10 picking up on somebody's audio.

11 Q (By Mr. Artus) So we were talking about your
12 Opinion No. 1 and why he was in an acute mental crisis and
13 you said it was because he was trying to escape and you're
14 saying his behavioral change?

15 A Yes. Basically his behavioral change. Then
16 it was while he was in cell 126 he was showing agitation,
17 evidence of frustration, screaming and making loud
18 statements. Then he was making statements of being killed
19 by the officers or having to be killed by the officers and
20 making direct statements of suicide. So all of these
21 things taken together, he was in acute mental health
22 crisis. Looking back we know.

23 Q You're saying a reasonable jailor should have
24 recognized that?

25 A Yes.

1 Q And he was just going to spend the night and
2 then get on the plane and then go over to California to the
3 prison there, right?

4 MR. BRYAN: Object to form.

5 A That's my understanding right.

6 Q (By Mr. Artus) Right. So but you said he was
7 agitated and scared that he would not be able to go to
8 California, right?

9 A Correct.

10 Q And then you said he became more frightened
11 when he was subdued and the TASER was applied to him?

12 A Correct.

13 Q And the officer did not try to use
14 deescalation techniques to calm down; is that right?

15 A Correct.

16 Q We talked about that?

17 A Right. Yes.

18 Q And you're saying when he was resisting and
19 fighting they should have just talked to him instead of
20 using hands on him or a TASER, right?

21 MR. BRYAN: Object to form; assumes facts not
22 in evidence.

23 A No, what I have testified earlier and continue
24 to testify that they would have used a deescalation
25 technique to calm him down before applying the stun gun on

1 him.

2 Q (By Mr. Artus) Okay. Do you agree that
3 sometimes you have to act in the moment? You have to make
4 split second decisions and you have to react? When
5 somebody is charging at you, you have to react in a second.
6 You don't have time to think about I should just stand back
7 and talk. Do you agree that's something that is very
8 common that happens?

9 MR. BRYAN: Object to form.

10 A Those situations do happen. Then that's a
11 situation where they think they are putting other people in
12 danger having a gun or making direct statements of, you
13 know, threats and killing others.

14 Q (By Mr. Artus) All right. If somebody -- if
15 I'm a jailor and an inmate comes running at me, my adrenal
16 goes up. I react. I got to say it's not going to be my
17 first thing to do is say I want to talk to him. I'm going
18 to try to get him subdued so I don't get harmed and someone
19 else doesn't get harmed. Is that appropriate?

20 MR. BRYAN: Object to form, assumes facts not
21 in evidence,; argumentative.

22 A He was not running at them. Even he was not
23 running at the nurse. He was running past. He was about
24 to run past the nurse.

25 Q (By Mr. Artus) Okay. So they could have just

1 let him run past him?

2 MR. BRYAN: Object to form; argumentative.

3 Q (By Mr. Artus) Is that what you're saying?

4 A I'm not saying that. Basically he could have
5 been, you know, cornered off and talked to him rather than
6 immediately applying stun gun.

7 Q Okay. Have we talked about the deescalation
8 that should have been done? Is there anything else that
9 you want to add to that?

10 A No.

11 Q You say in Opinion No. 3 that in cell 26 he
12 stated that he was going to commit suicide. Do you have
13 any evidence that any officer heard what the plaintiff was
14 saying?

15 A He did not make any direct specific statement
16 to an officer.

17 Q Okay. So Mr. Thao did not make any direct
18 statement to an officer that he was going to commit
19 suicide; you agree with that?

20 A Did not make any personal statement to an
21 officer, correct.

22 Q Right. So then it was up to the officer just
23 to overhear what he was saying, right?

24 MR. BRYAN: Object to form.

25 A The officers should have heard his continued

1 he failed to do so because.

2 Q And if he did that -- if he thought that, then
3 that would be in violation of policy?

4 A If he thought what?

5 Q If he thought that he, Mr. Thao, needed to be
6 seen by a nurse and didn't do it, that would be a violation
7 of policy, right?

8 A Right. That's correct.

9 Q No. 7 you say the officers were grossly
10 indifferent. What does that mean, grossly indifferent?

11 A They disregarded substantially the serious
12 medical need, which is a suicide risk, that Mr. Thao was
13 demonstrating at the time he was in Grady County Jail. So
14 they failed to recognize the serious suicide risk, failed to
15 take appropriate action, and that was gross disregard or
16 indifference to his medical need.

17 Q And then with regard to the Oklahoma Jail
18 Standard, you said they stipulate medical triage screening.
19 That's the part you underlined, right?

20 A Correct.

21 Q And is it your opinion that the fed screening
22 prior to transport isn't good enough?

23 A I didn't hear you. Can you repeat that?

24 Q Is it your opinion that the medical -- that
25 the screening that the federal, Feds, the Marshal's

1 that was provided to jailors at the Grady County Jail?

2 A Well, we talked about the slides and the power
3 point presentation that I reviewed.

4 Q And there was nothing wrong with that, right?

5 MR. BRYAN: Object to form.

6 A Again, you know that I don't agree with the
7 characterization of "nothing wrong." That's not the way I,
8 as an expert, look at these situations.

9 Q (By Mr. Artus) Well, the power point slides
10 were helpful -- would you agree they are helpful in
11 pointing out what suicide risks are and how to identify
12 them?

13 MR. BRYAN: Object to form.

14 A Yes, to some extent. They are not complete
15 but they point out to the risk factors and situations where
16 an inmate could be identified as a suicide risk.

17 Q (By Mr. Artus) Are you aware of any prior
18 suicides that occurred at the Grady County jail other than
19 Mr. Thao?

20 A No, I have not done an analysis of the prior
21 suicide attempts or suicides in Grady County Jail.

22 Q Are you going to be able to testify about
23 there being a pattern or series of suicides that occurred
24 that should have put the jail on notice of problems in
25 their training?

1 Q (By Mr. Artus) Did you know that the jail had
2 been inspected just a few days before this incident and had
3 been found in compliance of no deficient practices?

4 A No.

5 Q Okay. You find that the Grady County Justice
6 Authority were grossly indifferent to Mr. Thao's needs. As
7 I understand it, it's your opinion that the -- is that what
8 you're finding?

9 A Yes.

10 Q But what percentage of fault do you put on
11 Mr. Thao for committing suicide? I mean, he is the one
12 that did it?

13 MR. BRYAN: Object to form; negligence is not
14 an issue in these types of cases.

15 Q (By Mr. Artus) Does Mr. Thao have any fault in
16 this?

17 A My response --

18 Q Doctor?

19 A I'm thinking you see. My response to that
20 question is the jail has the responsibility to protect him
21 from self-harm. Their responsibility is to identify,
22 recognize a suicide risk and take appropriate action. In
23 that context, it is totally 100 percent responsibility of
24 the staff to follow proper procedures and practice.

25 Q I think I asked this already but who do you

1 think, what jailor or person do you feel was deliberately
2 indifferent to Mr. Thao?

3 MR. BRYAN: Objection; asked and answered.

4 A All officers who were on duty that particular
5 night at Grady County Jail.

6 Q (By Mr. Artus) Okay. What policy or practice
7 do you believe was so woefully bad that it rose to the
8 level of deliberate indifference?

9 A Well, the policy --

10 MR. BRYAN: Objection; it calls for a legal
11 conclusion.

12 A From a psychiatric point, the policies are
13 okay or were appropriate but the implementation, as I have
14 noted in my report, was the main problem here.

15 Q (By Mr. Artus) And that would be a lack of
16 training, correct?

17 A Lack of training and lack of action by the
18 officers.

19 Q Okay. Do you agree though that if a jailor
20 recognized that Mr. Thao was suicidal and then failed to do
21 anything about it, that would be against the policies;
22 would you agree with that?

23 A If the jailor has recognized and failed to do
24 anything to mitigate that suicide risk, that would be
25 considered the basis for gross disregard of the serious

1 that?

2 A Yes.

3 Q You testified earlier that you did not believe
4 the officer needed to use the TASER in this situation,
5 correct?

6 A Correct.

7 Q And you stated that the officer or the other
8 officers they should have engaged in some different
9 deescalation techniques instead, correct?

10 A Correct.

11 Q Are those two opinions essentially the sum
12 total of your opinions about Mr. Henneman's conduct in this
13 case?

14 A Yes.

15 Q Okay. And do you agree that you have not
16 reviewed his deposition, correct?

17 A Correct, yet.

18 Q Do you intend to review it?

19 A I leave the opportunity open for me to review
20 it. If additional supplemental reports is to be requested,
21 I will do so.

22 Q Okay. You testified that you are not going to
23 give any opinion as to the technique of the use of the
24 TASER, correct?

25 A Correct.

1 Q Other than what we have talked about, are you
2 going to make any sort of opinion that the use of the TASER
3 from a law enforcement perspective, was reasonable or not?

4 A That is correct.

5 Q Did you conduct any sort of psychiatric
6 evaluation of Mr. Henneman's state of mind when he used the
7 TASER?

8 A No.

9 Q Did you evaluate Mr. Henneman's intent when he
10 used the TASER?

11 A No, I have not.

12 Q Do you know what Mr. Henneman's responsibility
13 and duties were in the jail on this night?

14 A As of now, I do not. I think the deposition
15 may show that.

16 Q Okay. And I will tell you that Mr. Henneman
17 was the transport officer that night. Do you understand
18 that he had no responsibility for conducting any of the
19 site checks on Mr. Thao that night?

20 A If he was the transport officer then he did
21 not have any responsibility to do site monitoring.

22 Q Okay. And you agree that as the transport
23 officer, he was not the booking officer. He wasn't the
24 officer sitting in that booking area near the cell, right?

25 A Correct.

1 Q Have you seen any evidence in the record in
2 anything that you reviewed that Mr. Henneman himself heard
3 any of the comments made by Mr. Thao while he was in the
4 cell?

5 A Not that I'm aware of.

6 Q When we look at the report and went through
7 Opinions 3-9 there were references to officers just kind of
8 in a general view. I just want to confirm that you were
9 not referring to Officer Henneman in any of those opinions,
10 correct?

11 A Well, except in so far as he did not
12 participate in any sort of deescalation technique or
13 procedures to calm Mr. Thao down.

14 Q So once Mr. Henneman assisted in placing
15 Mr. Thao in the cell, you have no further opinion as to his
16 interaction or knowledge with regard to Mr. Thao, correct?

17 A Correct.

18 Q Have you ever worked as a detention officer?

19 A No.

20 Q Have you worked as a law enforcement officer
21 in any way?

22 A No.

23 Q Do you hold yourself out as an expert in law
24 enforcement procedures?

25 A I have opined on correctional practices

1 because of my long term association with the Department of
2 Corrections and working in jails, and having consulted on
3 numerous cases across the country. Even though I'm not a
4 correctional officer, I can opine on correctional practices
5 as it applies to the procedures and practice of suicidal
6 inmates.

7 Q Okay. So your experience and your
8 qualifications are to the extent that the policies and
9 procedures relate to medical or mental health care for
10 inmates, correct?

11 A Correct.

12 Q And correctional practices, yes?

13 A Yes.

14 Q And you don't have any experience or
15 qualifications in opining as to use of force policies in
16 correction facilities, correct?

17 A I have experience. I have opined on a couple
18 of cases in a couple of lawsuits involving use of force on
19 mentally ill persons. I have two cases I have testified.

20 Q Have you ever been trained on how to use a
21 TASER?

22 A No.

23 Q Have you ever been certified to use a TASER?

24 A Say that question again.

25 Q Have you ever been certified on how to use a

1 TASER?

2 A No.

3 Q Do you own a TASER?

4 A No.

5 Q Have you been tased?

6 A No.

7 Q You agree with me that you are not an expert
8 in the proper use of a TASER?

9 A Correct.

10 Q Do you understand that there are two methods
11 in which a TASER can be used?

12 A I read about it but I don't have any opinion
13 on the proper way of using a TASER.

14 Q In your preparation for this report and your
15 opinion, did you review any medical literature regarding
16 the use of a TASER in a jailor or prison setting?

17 A No, I have not.

18 Q Have you reviewed any medical literature
19 regarding the utility of a TASER?

20 A No.

21 Q Did you review any medical literature
22 regarding the decreased likelihood of serious injury to a
23 subject when a TASER is used?

24 MR. BRYAN: Object to form.

25 A I have not reviewed any medical literature on

1 that but I am aware of the point you are making.

2 Q (By Ms. Dark) Do you agree that you are not an
3 expert in the use of intermediate force by a defense
4 office?

5 A No.

6 Q You agree that you are not an expert on the
7 hands-on use of force on an inmate?

8 A No, I am not.

9 Q I'm sorry, I'm asking it confusingly. You do
10 agree with me, correct?

11 A Yes.

12 Q And you agree that you are not an expert in
13 the deescalation techniques in a prison or jail setting?

14 MR. BRYAN: Object to form.

15 A I know enough about the indications and the
16 procedures of deescalation techniques, which I have written
17 in my book.

18 Q (By Ms. Dark) Which book is this?

19 A The book I have written titled "Suicide in
20 Jails and Prisons, Preventive and Legal Perspectives."

21 Q Does any of your experience or book writing
22 conclude that there is a tie or a link between being tased
23 and a subsequent suicide attempt?

24 MR. BRYAN: Objection; outside of the scope.

25 A No.

1 Q (By Ms. Dark) Did you perform any evaluation
2 of Mr. Henneman's use of the TASER under the Graham versus
3 Connor Standard?

4 A No.

5 Q Did you perform an evaluation of
6 Mr. Henneman's use of force under the Kingsley Standard?

7 A No.

8 Q Do you know what either of those legal
9 standards are or is I guess?

10 A I read about it but I have not studied them.

11 Q And you can't say with a reasonable degree of
12 certainty that any further deescalation techniques or
13 talking to Mr. Thao would have been fruitful or not,
14 correct?

15 MR. BRYAN: Object to form.

16 A The outcome of deescalation technique, you
17 know, I have no opinion on the outcome. My opinion is that
18 should have been tried before stun gun was used. That was
19 the only opinion I have.

20 Q (By Ms. Dark) You agree that the feelings of
21 pain are subjective to each person?

22 A You are asking a physician that question?

23 Q Yes.

24 A Yes.

25 Q You agree?

1 A The answer is obvious.

2 Q Right. You agree that it would be impossible
3 for one person, like you, to say exactly what kind or what
4 level of pain someone else, like Mr. Thao, would have felt
5 when he had been tased?

6 A There is no way to determine because the pain
7 is a subjective sensation. It depends upon various
8 variables. You know, for example if somebody has pain in
9 the legs due to peripheral neuropathy and the person is
10 suffering from acute chest pain, the pain in the legs is
11 not a problem. He's more concerned and perceives the chest
12 pain more acutely. So it depends upon the circumstances.
13 Depends upon number of variables.

14 Q You're not going to offer an opinion to the
15 jury that you know with a reasonable degree of certainty
16 that Mr. Thao felt pain when he was tased, right?

17 A That's correct.

18 Q And you're not going to opine whether
19 Mr. Henneman's decision to use the TASER was appropriate
20 according to the training he had received?

21 A Correct.

22 Q You're not offering any opinion that a single
23 tase caused Mr. Thao to commit suicide, correct?

24 A That's correct.

25 Q Have you ever had any of your expert opinions

1 occurrences of similar events in a jail. That is the
2 typical definition of psychological autopsy.

3 Q And that's what you did here?

4 A Um, to the extent that this was a
5 consultation, even though I was not part of the jail, this
6 was somewhat similar to that process.

7 Q Do you agree that when you're trying to
8 determine what caused a suicide, the more information you
9 have, the more accurate the results you can get?

10 MR. BRYAN: Object to form.

11 A Sometimes more information would be helpful;
12 sometimes whatever information we have might be adequate to
13 provide that opinion.

14 Q (By Ms. Dark) Did you attempt any interview
15 with any of Justin Thao's family?

16 A No, I didn't.

17 Q Did you review any of his past medical or
18 psychological records?

19 A No.

20 Q Did you attempt to determine what previous
21 psychiatric diagnoses he may have had?

22 A I have not.

23 Q Did you review his juvenile history, like
24 psychiatric records and criminal records or anything like
25 that?

1 A No, I have not.

2 Q And you didn't personally inspect the scene,
3 correct?

4 A No, I have not.

5 Q Did you review any of Mr. Thao's writings or
6 journals?

7 A No, I have not.

8 Q Did you review any of his social media or
9 communication with his family?

10 A No, I have not.

11 Q Have you asked to look at any of this?

12 A No, I have not.

13 Q Did you review any of his arrest reports or
14 criminal records from the charges that he was in the jail
15 on at this point?

16 A No, I have not.

17 Q Did you review any of this school records?

18 A No, no.

19 Q Did you review whether he was in any
20 special-education classes or had an IEP?

21 A No.

22 Q Did you explore whether there was a history of
23 suicide in his family?

24 A I don't have information but if I have those
25 information that would be very helpful to my opinions in

1 this case.

2 Q Did you attempt to evaluate any of the
3 relationships he had with any of his peers?

4 A No, I have not.

5 Q Were you aware that when he was arrested he
6 had 50 pounds of marijuana in his possession?

7 A I was not.

8 Q Then I'm assuming you didn't evaluate whether
9 he might be in trouble with any sort of drug cartel or
10 someone for having had that marijuana confiscated?

11 A Well, that information would have been helpful
12 to bolster my opinion further.

13 Q Because more information, the better, right?

14 MR. BRYAN: Objection; misstates his
15 testimony.

16 A I already testified sometimes more information
17 is helpful; sometimes not.

18 Q (By Ms. Dark) Did you evaluate if he had any
19 sort of gang activity?

20 A No, I have not.

21 Q Did you evaluate his financial condition?

22 A No.

23 Q Did you evaluate if he had been involved in
24 any prior traumatic incidents or events?

25 A No, I have not.

1 Q Do you know if there was a family history of
2 mental illness?

3 A That would be helpful to know.

4 Q Do you know if there was a family history of
5 substance abuse?

6 A Again, that would be helpful to know.

7 Q Did you know that prior medical providers of
8 Mr. Thao had determined he had chronic substance abuse
9 before he went into the jail?

10 A That I can imagine he could have but, again, I
11 have not evaluated that point.

12 Q Do you agree with me that all of these and
13 more things could be relevant if your were trying to do a
14 complete psychiatric autopsy?

15 MR. BRYAN: Object to form; outside of the
16 scope.

17 A Yes. The information would be helpful but the
18 point I have already made here, the Grady County Justice
19 Authority did not do any screening. They have
20 responsibility to identify any of the factors that you have
21 mentioned. So that's the more significant point here.

22 Q (By Ms. Dark) Well, he was in their custody
23 for just a few hours but you wrote this report over the
24 course of several months, right?

25 A That doesn't absolve the jail's responsibility